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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,089	02/26/2002	Hitoshi Takayanagi	020232	8614
23850	7590	04/01/2004	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			DOTE, JANIS L	
1725 K STREET, NW			ART UNIT	
SUITE 1000			PAPER NUMBER	
WASHINGTON, DC 20006			1756	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,089

Applicant(s)

TAKAYANAGI ET AL.

Examiner

Janis L. Dote

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This office action is responsive to the amendment filed on Feb. 13, 2004 (Amdt021304). The examiner acknowledges the cancellation of claim 9, the amendments to claims 10 and 11, and the addition of claim 12 filed in Amdt021304. Claims 1-4, 6-8, and 10-12 are pending.

2. The amendment to the claims filed in Amdt021304 corrects the informalities of the previously filed amendment to claims filed on Jan. 13, 2004, noted in the "Notice of Non-Compliant Amendment (37 CFR 1.121)" mailed on Feb. 10, 2004.

(The amendment to the claims filed on Jan. 13, 2004 (Amdt011304), is not in compliance with 37 CFR 1.121 because claims 1, 6, and 8 are not labeled with the proper status identifier "previously presented" but are labeled with the identifier "previously amended." Thus, the amendment to the claims filed in Amdt011304 has not been entered.)

(Accordingly, the amendment to the claims filed on Jan. 14, 2004 (Amdt011404), which is a duplicate of the amendment to the claims filed in Amdt011304, is also not in compliance with 37 CFR 1.121 for the same reasons noted in the "Notice of Non-Compliant Amendment (37 CFR 1.121)" mailed on Feb. 10, 2004. Thus, the amendment Amdt011404 has not been entered.)

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Consequently, in response to the amendment filed on Feb. 13, 2004, the mailing date of the office action mailed on Feb. 4, 2004, has been vacated.

The amendment filed on Feb. 13, 2004, only corrects the status identifier of claims 1, 6, and 8 to read "previously presented" from "previously amended." The subject matter recited in claims 1-4, 6-8, and 10-12 filed in Amdt021304 is identical to the subject matter recited in claims 1-4, 6-8, and 10-12 filed in the previously filed amendments Amdt011304 and Amdt011404, which have not been entered. Accordingly, the detailed office action mailed on Feb. 4, 2004, and its attachments, are incorporated in their entirety by reference. Applicants' response date begins with the mailing date of this office action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD
Mar. 30, 2004

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1600
1700